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10/718,869	11/20/2003	Beena Somaroo	085804-013100	1478

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EXAMINER
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TIMBLIN, ROBERT M

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/718,869	<b>Applicant(s)</b> SOMAROO ET AL.	
	<b>Examiner</b> ROBERT TIMBLIN	<b>Art Unit</b> 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office Action corresponds to application 10/718,869 filed 11/20/2003.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/22/2008 has been entered.

#### ***Response to Amendment***

Applicant herein amends claims 1 and 13-15. Accordingly, claims 1-15 are pending.

#### ***Claim Rejections - 35 USC § 101***

In accordance with 35 U.S.C. 101, claim 14 has been reviewed and determined that the system claimed therein is statutory under this heading. Specifically, the system of claim 14 appears to include hardware (i.e. Applicant's publication at [0036] disclosing a server system including well known processors and further the "devices" [0013] as being electronic computing devices) and not directed towards software *per se* or functional descriptive material.

In accordance with 35 U.S.C. 101, claim 14 has been reviewed and determined that the system claimed therein is statutory under this heading. Specifically, the system of claim 14

appears to include hardware (i.e. Applicant's publication at [0036] disclosing a component as well known processors commonly included with server systems) and not directed towards software *per se* or functional descriptive material.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6-8, and 10-15 are rejected under 35 U.S.C. 102(e) as being taught by Joao U.S. Patent 6,662,194 B1. In the following passages and figures, Joao teaches:

With respect to claim 1, A method comprising:

receiving inquiry data (col. 22 line 13-19 and col. 28 line 52-65; i.e. information such as resume and/or any other pertinent data of an individual interested in a job that is obtained and stored in database 10H) related to an inquiry (i.e. job search, abstract. Also see col. 22 line 54-58; i.e. the individual decides whether he or she wishes to apply for any of the reported jobs describes at least an inquiry for a job found in a listing service) of a user (col. 11 line 45-53, i.e. an individual, prospective employee, applicant etc...) with a listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100; i.e. employers posting or listing jobs with apparatus 100 describes a listing service) about a listing (e.g. a job) posted by an entity (col. 5

line 4; e.g. hiring entities) other than the user (col. 4 line 35-47; i.e. an individual wishing to apply for the job);

creating a user's lead (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer, col. 22 line 57-58 and drawing reference 215; an individual's applying for a job) in response to the user's inquiry (col. 22 line 13-19 and figure 5A; i.e. information such as resume and/or any other pertinent data that is obtained and stored in database 10H), the user's lead (col. 6 line 35-36; e.g. offers that are tracked by the individuals) is to be pursued (col. 6 line 36; tracking all offers and col. 23 line 65-66) by the user (col. 11 line 45-53, i.e. an individual, prospective employee, applicant etc...) that makes the inquiry (col. 22 line 54-58; i.e. a decision to apply for a job) with the listing service (100), the user's lead being (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) created using the received inquiry data (abstract);

storing the user's lead (figure 5A) as a lead record (col. 6 line 35-41 and col. 39 line 61-67); i.e. all offers and/or rejections involving any and all jobs, employment positions, are recorded) in a database (10H);

creating an action record (drawing reference 220) associated with the user's lead (figure 5A) each time an action to be taken in furtherance of the user's lead is identified (col. 15 line 5-8; i.e. the individual desiring to be notified of certain jobs. See also col. 23 lines 39-46; i.e. a message (i.e. action record) indicates a requesting of additional and/or more specific data (i.e. in furtherance) from an individual);

storing the action record (col. 22 line 63-66) in the database (col. 23 line 26-34 and drawing reference 10H), the lead (col. 23 line 26-34) and action records (col. 22 line 63-66)

comprising information to provide the user (col. 11 line 45-53, i.e. an individual) with a status (col. 4 line 57-60 and col. 6 line 35-37) of the user's lead (figure 5A); and

communicating a user interface (drawing reference 20E) accessible by the user (col. 11 line 45-53, i.e. an individual and col. 14 line 59-60; i.e. an individual accessing their data) that comprises information from the lead (col. 14 line 59-60; i.e. access to the individual's data in database 10H) and action records (col. 22 line 63-66) and information related to the user's lead (figure 5A) received from one or more ancillary services (col. 22 line 51-53, col. 23 line 5-13).

With respect to claim 2, the method of claim 1, wherein the listing service is a web site having job postings listed thereon (col. 5 line 4-5, col. 29 line 9).

With respect to claim 6, the method of claim 1, wherein the listing service is a web site having auction items listed thereon (col. 32 line 37).

With respect to claim 7, the method of claim 1, wherein the ancillary service is electronic mail (col. 4 line 66).

With respect to claim 8, the method of claim 1, wherein the ancillary service is an advertising system (col. 6 line 29).

With respect to claim 10, the method of claim 1, wherein the ancillary service is a news system (col. 29 line 10-15).

With respect to claim 11, the method of claim 1, wherein the step of receiving inquiry data related to an initial inquiry of the user with the listing service further comprises:

receiving inquiry data (abstract) from an application operative on a computing device (figure 1) of the user (col. 11 line 45-53, i.e. an individual).

With respect to claim 12, the method of claim 1, wherein the steps of receiving inquiry data related to an inquiry of a user with a listing service and creating a user's lead to be pursued by the user that makes the inquiry with the listing service, the user's lead being created using the received inquiry data further comprise:

receiving inquiry data (abstract) from a user computer at the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

capturing the inquiry data (abstract) at the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

at the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

making a remote procedure call to access an application programming interface from the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) to a tracking system (col. 6 line 36-36) operative with programming to create the user's lead record (col. 6 line 35-41 and col. 39 line 61-67); i.e. all offers and/or rejections involving any and all jobs, employment positions, are recorded);

transmitting the inquiry data to the tracking system from the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100); and

creating a user's lead (col. 4 line 57-60, col. 5 line 20-23, col. 6 line 35-40, i.e. an individuals offer to an employer) to be pursued (col. 23 line 53-67, col. 24 line 1-7) by the user (col. 11 line 45-53, i.e. an individual) that makes the inquiry with the listing service, the user's lead being created using the received inquiry data (abstract);

With respect to claim 13, A method comprising:

receiving inquiry data (abstract) from a user computer (drawing reference 20) at a listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) about a listing (e.g. a job) posted by an entity (col. 5 line 4; e.g. hiring entities) other than the user;

capturing the inquiry data (abstract) at the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

transmitting the inquiry data to the tracking system from the listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100);

creating a user's lead (col. 4 line 57-60, col. 5 line 20-23, col. 6 line 35-40, i.e. an individuals offer to an employer) in response to the user's inquiry (col. 22 line 13-19 and figure 5A; i.e. information such as resume and/or any other pertinent data that is obtained and stored in database 10H), the user's lead is to be pursued (col. 23 line 53-67, col. 24 line 1-7) by the user that makes the inquiry (col. 22 line 54-58; i.e. a decision to apply for a job) with the listing service (100), the user's lead being (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) created using the received inquiry data (abstract);

storing the user's lead as a lead record (col. 6 line 42-44) in a database (drawing reference (10H);



creating an action record (col. 22 line 63-66) associated with the user's lead (figure 5A) each time an action to be taken in furtherance of the user's lead is identified (col. 23 line 39-46; i.e. a message (i.e. action record) indicates a requesting of additional and/or more specific data (i.e. in furtherance) from an individual);

storing the action record (col. 22 line 63-66) in the database (col. 23 line 26-34 and drawing reference 10H), the lead (col. 23 line 26-34) and action records (col. 22 line 63-66) comprising information to provide the user (col. 11 line 45-53, i.e. an individual) with a status (col. 4 line 57-60) of the user's lead (figure 5A); and

communicating a user interface (drawing reference 20E) accessible by the user (col. 11 line 45-53, i.e. an individual and col. 14 line 59-60; i.e. an individual accessing their data) that comprises information from the lead (col. 14 line 59-60; i.e. access to the individual's data in database 10H) and action records (col. 22 line 63-66) and information related to the user's lead (figure 5A) received from one or more ancillary services (col. 22 line 51-53, col. 23 line 5-13).

With respect to claim 14, A system comprising:

a server system (drawing reference 10) accessible via one or more networks (figure 1) by one or more computing devices (drawing references 20, 30) of a user (drawing reference 20) and capable of communicating with one or more listing services (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) via one or more of the networks (figure 1);

a database system (drawing reference 10H) in communication with the server system (figures 12-4);

the server system (drawing reference 10) comprising programming (col. 6 line 14-16) to receive data from the listing services (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) related to an inquiry by a user about a listing (e.g. a job) posted with a listing service (100) by an entity (col. 5 line 4; e.g. hiring entities) other than the user (col. 4 line 35-47; i.e. an individual wishing to apply for the job), generate a user's lead (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer and col. 22 line 57-58; an individual's applying for a job) in response to the user's inquiry (col. 22 line 13-19 and figure 5A; i.e. information such as resume and/or any other pertinent data that is obtained and stored in database 10H), the user's lead (offer) is to be pursued by the user (col. 11 line 45-53, i.e. an individual, prospective employee, applicant etc...) that makes the inquiry (col. 22 line 54-58; i.e. a decision to apply for a job) with the listing service (100), the user's lead being (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) created using the data received from the listing services, and store the user's lead as a lead record in the database system;

wherein the server system further includes programming (col. 6 line 14-16) to communicate a user interface (drawing reference 20E) accessible to the user that comprises a summary (col. 24 line 22-49; i.e. Joao discloses recording information up to a point of interaction between an individual and employer) of the user's (col. 11 line 45-53, i.e. an individual) lead (col. 23 line 26-34);

wherein the server system further comprises programming (col. 6 line 14-16) to interact with at least one ancillary service system (col. 22 line 51-53, col. 23 line 5-13) and provide information generated or received into the ancillary service system (col. 22 line 51-53, col. 23 line 5-13) to the user (col. 11 line 45-53, i.e. an individual); and

wherein the server system further comprises programming (col. 6 line 14-16) to receive action data (col. 6 line 35-40), generate an action record (col. 22 line 63-66) corresponding to an action to be taken in furtherance of the user's lead (col. 23 line 39-46; i.e. a message (i.e. action record) indicates a requesting (an action to be taken) of additional and/or more specific data (i.e. in furtherance) from an individual), store the action record (col. 22 line 63-66) in the database system (10H), and provide information about the action record to the user, the lead (col. 23 line 26-34) and action records (col. 22 line 63-66) comprising information to provide the user (col. 11 line 45-53, i.e. an individual) with a status (col. 4 line 57-60) of the user's lead (figure 5A).

With respect to claim 15, A tracking system comprising:

a server-side component (drawing reference 10) operative on a server system (drawing reference 100) capable of communication with a network (figure 1), the server-side component (drawing reference 10) comprising programming to:

receive inquiry data (abstract) related to an inquiry (i.e. job search, abstract) of a user (col. 11 line 45-53, i.e. an individual) with a listing service (col. 12 line 14-15, col. 30 line 38-47 and drawing reference 100) about a listing (e.g. a job) posted by an entity (col. 5 line 4; e.g. hiring entities) other than the user (col. 4 line 35-47; i.e. an individual wishing to apply for the job);

create a user's lead (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer and col. 22 line 57-58; an individual's applying for a job) in response to the user's inquiry (col. 22 line 13-19 and figure 5A; i.e. information such as resume and/or any other pertinent data that is obtained and stored in database 10H), the user's lead is to be pursued (col. 6

line 36; tracking all offers and col. 23 line 65-66) by the user (col. 11 line 45-53, i.e. an individual, prospective employee, applicant etc...) that makes the inquiry (col. 22 line 54-58; i.e. a decision to apply for a job) with the listing service (100), the user's lead being (col. 5 line 20-23, col. 6 line 35-40, i.e. an individual's offer to an employer) created using the received inquiry data (abstract);

communicate a user interface (drawing reference 20E) accessible to the user (col. 11 line 45-53, i.e. an individual) that comprises a summary (col. 24 line 22-49; i.e. Joao discloses recording information up to a point of interaction between an individual and employer) of the user's (col. 11 line 45-53, i.e. an individual) lead (col. 23 line 26-34);

interact with at least one ancillary service system (col. 22 line 51-53, col. 23 line 5-13) and provide information generated or received into the ancillary service system (col. 22 line 51-53, col. 23 line 5-13) to the user (col. 11 line 45-53, i.e. an individual); and

generate and store an action record (drawing reference 220) each time an action to be taken in further of user's lead is identified (col. 23 line 39-46; i.e. a message (i.e. action record) indicates a requesting of additional and/or more specific data (i.e. in furtherance) from an individual), and provide information from the action record to the user (col. 11 line 45-53, i.e. an individual), the lead (col. 14 line 59-60; i.e. access to the individual's data in database 10H) and action records (col. 22 line 63-66) comprising information to provide the user (col. 11 line 45-53, i.e. an individual) with a status (col. 4 line 57-60 notice of job availability and col. 35 line 15-20; i.e. notifying the individual of acceptance or rejection of an offer) of the user's lead (figure 5A).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao as applied to claims 1-2, 6-8, and 10-15 in view of Rinebold et al. ('Rinebold' hereafter) U.S. Patent 6,968,513 B1.

With respect to claim 3, Joao fails to explicitly teach wherein the listing service is a web site having personal ads listed thereon.

Rinebold, however, teaches wherein the listing service is a web site having personal ads listed thereon (abstract, figure 10A-10C, i.e. self postings) to enable on-line users to view business listings.

In the same field of endeavor, (i.e. listing services), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rinebold would have given Joao an effective way to target users of the system for the benefit of an efficient job search. Rinebold discloses geographic targeting (col. 3 line 62-67) of users for organizing internet information based on geographic categories (col. 5 line 1-5), which Joao could have used to help a user efficiently locate a job (Joao at col. 4 line 42).

Similar claims 4-5 are rejected for the same rationale as the rejection of claim 3, as the web page of (10A) is a site having real estate postings and automobile postings. See also the abstract where Rinebold further teaches a website having classified listings.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao as applied to claims 1-2, 6-8, and 10-15 in view of Wilkins et al. ('Wilkins' hereafter) U.S. Patent 6,868,389 B1.

With respect to claim 9 Joao fails to explicitly teach wherein the ancillary service is a road navigation system.

Wilkins, however, teaches wherein the ancillary service is a road navigation system (col. 10, line 56-65) to locate a listing.

In the same field of endeavor, (i.e. listing services), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Wilkins would have given a user of Joao's system an efficient way to better locate a listing (Joao at col. 4 line 42).

*Response to Arguments*

Applicant's arguments filed in the remarks dated 10/30/2007 have been fully considered but they are not persuasive.

Applicant argues (p. 6-7 of the reply) that Joao fails to teach a user's lead to be pursued by the user that makes the inquiry created using inquiry data related to the users' inquiry with the listing service.

The Examiner disagrees for the reasoning found in the citations in the above Office Action. Further, the Examiner submits that in a system to facilitate a job search and employment process for an individual (i.e. one who is interested in a job from a hiring entity; e.g. see col. 5 line 21-23) Joao teaches the claimed user's lead. That is, a user (e.g. the individual wanting to be hired) searches for job offerings (e.g. drawing reference 207) to find available jobs. Upon locating a job of interest, the user may then apply for the job (see Joao, col. 4 line 40-44). Put another way, when an interested user finds a job they desire (col. 3 line 35-38), they may the offer their services to employers (col. 5 line 21-23, Joao) in the interest of obtaining that job.

In regards to the claimed inquiry data, the Examiner submits that Joao teaches such data. As can be understood, inquiry data is essentially data about an interested individual seeking a job. Applicant's disclosure (see page 16, lines 14-17) states that inquiry data may be information about an applicant before or during the hire, which could be name and address information, resume information, etc. Although these teachings are not read into the claims, these limitations do give light to interpreting the claims. The claims, however being broadly defined, are still taught and described by Joao. That is, Joao teaches the "inquiry data" because it is essentially

the applicant's information submitted to the system; see further in Joao (e.g. col. 22 lines 1-19 wherein user's information, which may be a resume, is captured via a questionnaire to exemplify capturing inquiry data. Moreover, the Examiner submits that an inquiring user (e.g. a individual interested in applying for a job) may then transmit information regarding which of the found jobs they wish to apply for (col. 22 line 56-59) as an offer for employment. Thus an individual's offer of employment (i.e. an individual applying for a job to offer their services to an employer; col. 5 line 21-23) that is recorded and tracked by that individual (Joao , col. 6 line 35-41 and col. 39 line 34-41) serves as a lead that is pursued by that user. Put another way, a user in Joao submits application data (e.g. a resume) as inquiry data to jobs they are interested in, and thus this information forms an offer (a lead) that is pursued by that user because they desire the job. This process can also be summarized by Joao's figures 5A-C wherein an individual searches for a job (fig. 5A, 207), communicates an interested in a found job or jobs (fig. 5B, 211) and transmits information to the employer that they desire to work for (fig. 5C, 215).

The Examiner notes Applicant's arguments found in the main paragraph of page 7 through page 9 pertaining to the Employer's aspect of the Joao's system. That is, the Applicant seems to believe that Joao's system is only for employers tracking interested individuals. See remarks, page 7 wherein Applicant states:

*To illustrate further, if the interested individual is a potential employer that is interested in a offer of services by a job seeker, who is offering his skills, the employer's interest is forwarded to the job seeker who originated the offer of his services, so that the job seeker, not the employer who expressed the interest, can pursue the employer's interest. In no case does Joao describe creating a lead in response to a user's inquiry about a listing posted by an entity other than the user by creating a user's lead that is to be pursued by the user that made the inquiry.*



In contrast to this assertion, the Examiner submits that Joao basically teaches a two-sided approach to the employment process between an interested individual (i.e. person seeking a job) and an employer. While Applicant seems to focus on the employer tracking an interested individual, the Examiner submits that Applicant is neglecting the "other side" of Joao's invention wherein an individual, interested in seeking a job, searches, applies and offers their skills to an employer. The offer given by the individual is tracked and pursued by the user because they desire the job. In the application process, a user inquires (i.e. searches and applies) for the job which then forms an offer that is tracked by the user (interested individual).

Applicant also argues on page 8 of the remarks (last paragraph) that "Joao describes compiling information that can be provide to individuals, employers and/or recruiters..." in col. 6 lines 35-40 and then asserts that the "compiling" of information is used to render some statistical analysis from an interpretation from Joao's col. 17 lines 24-39 and col. 40, lines 26-31 and therefore does not serve as a lead that is pursued. The Examiner submits that this interpretation of compiling is essentially another aspect of Joao's system wherein statistical analysis can be performed on the collected data. The Examiner further respectfully submits that Applicant's citations attempting to find a conclusion for what is meant by "compiling" is too limiting in view of Joao's disclosure.

For instance, when Joao first mentions "compiling", it is done so after disclosing collecting the information in use with their invention. Specifically, Joao mentions that their invention can be used to in order to monitor, record, and/or keep track of, all offers and/or rejections involving any and all jobs, employment positions, projects and/or assignments which

occur in conjunction with/ and/or via use of their present invention (Joao, col. 6 line 35-38). The Examiner submits that *directly after* this teaching, Joao then states the information compiled can be provided to individuals...in any appropriate and/or suitable manner (col. 6 lines 38-41). Put another way, the "compiling" in this instance seems very likely that the job offers and/or rejections are compiled and can be provided to an individual (who is interested in pursuing the job they desire). While Applicant's interpretation of "compiling" may be correct in a different embodiment of Joao's disclosure (which is directed towards statistical analysis) the Examiner submits that an appropriate manner for this information is simply to use in the job application process. In other words, Joao discloses that this same information, once obtained, can thereafter be provided to individuals (col. 39 lines 33-41). Put another way, with Joao disclosing keeping track of offers and/or rejections, and that this data can be provided to the user desiring the job, that they sufficiently teach a user (interested individual) tracking their lead (offer to be employed). Furthermore, the Examiner submits that Joao's broadly defined "in any suitable manner" is not strictly limited to only statistical analysis, as the Applicant asserts. That is, "in any suitable manner" may mean a users' offer of their services to an employer sent in a message (see col. 35 lines 1-10 wherein an "appropriate" message is sent to an employer when a user desires to work for them). In summary, the Examiner submits that Joao's system essentially collects data from a user inquiring for a job (via application information) and that an offer (using the inquiry data) is submitted to an employer and is thereafter tracked for acceptance or rejection.

With regards, to the claimed action record, Applicant argues (page 9-10 of the remarks) that Joao does not teach this aspect. The Examiner disagrees and submits that as the" action

record” is broadly defined, that Joao still reads on this limitation. That is, the limitation reads “creating an action record associated with the user’s lead each time an action to be taken in furtherance of the use’s lead is identified.” The Examiner submits this remains as described by Joao. That is, Joao teaches when an employer is interested in the applying individual, they may send a message requiring more information from the individual (col. 23 lines 35-51). As can be reasonably interpreted, the message in this instance serves as the claimed action record. In other words, it is a record that describes an action (i.e. request for more applicant information) associated with a user’s lead (offer) taken in furtherance (e.g. expressing an employers interest by asking for more information) of the users lead (offer). Furthermore, since this information may be stored in database 10 (col. 23 lines 53-64) is further seen as a record.

Applicant also argues (page 13 in the remarks) the lead and action records both do not comprise information to be provided to the user with a status of the user’s lead. For example, Joao teaches an employer that notifies an individual of an acceptance or rejection of their offer (col. 35 line 1-20). This may come in response to message sent from in individual interested in offering their services to an employer (e.g. see Joao, drawing reference 320). With a notification sent back to the (interested) individual of, for instance a rejected offer, this notification sufficiently teaches a status contained in an action record (i.e. message from an employer). In another way, because the user’s lead (offer) may contain a corresponding rejection, the user’s lead provides a status (e.g. rejected offer).

Furthermore, the lead record would also contain this (status) information as the individual's information (col. 6 line 35-42) contains all offers and/or rejections (i.e. a status that the offer was rejected) involving any jobs, employment positions, etc.

As per the action record containing status information, the Examiner submits that with a message from an employer requesting more information from an interested individual, conveys a status. For example, an employer requesting more specific data (col. 23 lines 44-51) in a message to the user provides a status that the lead (offer) is in process of being reviewed because the offer has neither been accepted nor rejected up to this point. The Examiner submits that with the "status" being broadly defined, that Joao reads on this limitation.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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